

06-25-04

Docket No: AM100221  
Patent

BFW & RCE  
1645

JUN 24 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re or Application of: CHU et al  
Application No.: 09/887,296 Examiner: Devi, Sarvamangala J.N.  
Filed: June 21, 2001 Art Unit: 1645  
For: METHODS AND COMPOSITION FOR ORAL VACCINATION  
Confirmation No: 6853  
Customer Number: 25291

Mail Stop RCE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL (37 C.F.R. 1.114)  
AND PETITION FOR EXTENSION OF TIME

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL (37 C.F.R. 1.114)

This is a request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. 1.153 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. 1.114

(a)  Previously submitted  
 Consider the amendment(s)/reply under 37 C.F.R. 1.16 previously filed on December 24, 2003, attached (8 pages) hereto for convenience.  
(Any unentered amendment(s) referred to above will be entered.)  
 Consider the arguments in the Appeal Brief or Reply Brief previously filed on  
 Other:

06/28/2004 YPOLITE1 00000068 011300 09887296

01 FC:1801 770.00 DA

**CERTIFICATE OF MAILING 37 CFR §1.10**

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 114120200 US addressed to the Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

June 24, 2004  
Date

Cecilia Chessell  
Cecilia Chessell

(b)  Enclosed

Amendment/Reply

Affidavit(s)/Declaration(s)

Information Disclosure Statement (IDS)

Other:

2. Miscellaneous

a.  Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103 (c) for a period of      months (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17 (i) required)

b.  Other:

3. Fees [The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.]

The fees are calculated as follows:

(a)  RCE fee required under 37 C.F.R. § 1.17(e): \$770.00

(b)  Other: \$0.00

Total Fees: \$770.00

PETITION FOR EXTENSION OF TIME

4. (a)  Applicant petitions for an extension of the time for the total number of months checked below:

<input type="checkbox"/>	One Month.	Fee in the amount of	\$	110.00
<input type="checkbox"/>	Two Months.	Fee in the amount of	\$	420.00
<input type="checkbox"/>	Three Months.	Fee in the amount of	\$	950.00
<input checked="" type="checkbox"/>	Four Months.	Fee in the amount of	\$	1,480.00
<input type="checkbox"/>	Five Months.	Fee in the amount of	\$	2,010.00

If an additional extension of time is required, please consider this a petition therefor.

**(Check and complete the next item, if applicable)**

An extension for      month(s) has already been secured and the fee paid therefor of \$0.00 is deducted from the total fee due for the total months of extension now requested.

OR

(b)  Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

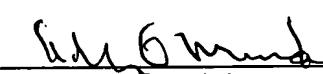
Extension fee due with this request: \$1,480.00

5. Method of Payment of Fees:

Charge Deposit Account No. 01-1300 in the amount of: \$2,250.00.  
A duplicate of this transmittal is attached.

6. Instructions as to Overpayment:  
Credit any overpayment to Deposit Account No. 01-1300.

7. Authorization to Charge Additional Fees  
 If any additional extension and/or fee for claims is required, charge  
Account No. 01-1300.

  
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Chu, et. al.  
Application No.: 09/887,296 Group No.: 1645  
Filed: June 21, 2001 Examiner: Devi, Sarvamangala J.N.  
For: METHODS AND COMPOSITION FOR ORAL VACCINATIONS  
Confirmation No.: 6853  
Customer Number: 25291

Commissioner for Patents  
Washington, DC 20231

June 24, 2004

Amendment Accompanying RCE

Sir:

This replies to the Office action mailed June 25, 2003, and the response includes a petition for a 3 month extension of time on a Notice of Appeal submitted herewith.. Reconsideration of this application, and claims 1-10 and 27-30, is respectfully requested in view of the hereinbelow remarks and amendments. The Notice of Appeal is submitted in the event this reply is not deemed to place the application in condition for allowance.

AMENDMENT TO THE CLAIMS

Please amend claims 1:

Claims 1 (currently amended), 06/28/2004 YPOLITE1 00000068 011300 09887296  
Claims 2-3, 5-6, 8-10 (previously amended), 02 FC:1254 1480.00 DA  
Claims 4, 7, 27-30 (original).

1. (Currently amended). A method of providing protection against a disease in a nonhuman animal comprising:
  - (a) admixing a water soluble palatable flavorant selected from the group consisting of fruit, fish and meat flavorants with a water soluble vehicle suitable for an orally administered vaccine to create a mixture;
  - (b) further admixing with the mixture of step (a), an antigen which is an active component selected from the group consisting of a bacterium and a virus to thereby produce an oral vaccine; and
  - (c) administering the vaccine of step (b) to ~~an~~ said nonhuman animal to provide protection against a disease.
2. (Previously amended). The method of claim 1, wherein the antigen is capable of causing a disease in a nonhuman animal selected from the group consisting of swine, poultry, cattle, sheep goats, horse, cat and dog.
3. (Previously amended). The method of claim 2, wherein the antigen is selected from the group consisting of *Erysipelothrix rhusiopathiae*, *Actinobacillus pleuropneumoniae*, *Mycoplasma hyopneumonia*, *E. coli* K88, K99, F41 and 987P, *Clostridium perfringens* type c, *Salmonellacholeraesuis*, *Bordetella bronchiseptica*, *Leptospira bratislava*, *Leptospira canicola*, *Leptospira grippotyphosa*, *Leptospira hardjo*, *Leptospira Pomona*, *Leptospira canicola*, Porcine Influenza virus, Circovirus, Porcine